

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL NELSON,

Plaintiff,

v.

CANON USA, INC., a New York
Corporation, and John Does I-V,

Defendants.

C07-503Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Canon's motion for summary judgment, docket no. 26, is GRANTED IN PART, and plaintiff's second (intentional infliction of emotional distress), third (outrage), and fifth (malicious harassment) causes of action are DISMISSED with prejudice;

(2) In all other respects, Canon's motion for summary judgment is DENIED; with the exception of the alleged violation of Washington's Consumer Protection Act ("CPA"), genuine issues of material fact preclude summary judgment in favor of either party on Canon's various counterclaims;

(3) The Court sua sponte GRANTS partial summary judgment in favor of plaintiff on Canon's counterclaim pursuant to the CPA, and Canon's CPA counterclaim is DISMISSED with prejudice;

(4) The Court will issue a written order next week explaining the reasons for these rulings;

1 (5) The Clerk is directed to send a copy of this Minute Order to all counsel of
2 record.

3 Filed and entered this 5th day of February, 2008.

4 BRUCE RIFKIN, Clerk

5 s/ Claudia Hawney

6 By _____
7 Claudia Hawney
8 Deputy Clerk